

Village of Walden
Planning Board Meeting
February 5, 2018

Chairman:	Stan Plato	Present
Members:	Jay Wilkins Lisa Dore Jason Trafton Zac Pearson	Present Present Absent Present
Alternate:	Larry Kraus	Present
Building Inspector:	Dean Stickles	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	John Queenan	Present
Secretary:	Tara Bliss	Present

Chairman Plato - Called the meeting to order at 7:30pm.

1. APPROVAL OF MINUTES:

Member Wilkins made a motion to approve the October 18, 2017, November 6, 2017, and the November 15, 2017 minutes. Seconded by Member Pearson. All ayes. Motion carried.

Chairman Plato stated for the record that the minutes were excellent.

2. BOARD BUSINESS

A. PUBLIC HEARINGS: None

B. FORMAL APPLICATIONS:

B.1 120 & 126 North Montgomery Street, Falcons Rest Exquisite Adult Residences Site Plan & Special Exception Use

Louis Donnelly, applicant, presented a project for Falcons Rest a 55 and older community located on 6.2 acres off of Route 52. He presented a rendering of the proposed buildings. Originally he had planned for a number of buildings but he changed that to 1 large building that is set back from the road and has natural screening so it won't be an eye sore to the neighbors. It has more green space turned this way and from the street you can only see the end of it. It is all handicapped compliant with 3 elevators and 40 parking spaces underneath the building with access to the centrally located elevators; one in the middle and one on each end. The garages are in at an angle and there is storage in front of each garage and additional storage on the other side. There will be a community center, an on-site facility for management, a library, a meditation center, a gym area for working out, and eating facilities. The Community Center will have a kitchen that is separate from the meeting area for events for the center for parties or celebrations available for occupants. Outside there is parking for 74 spaces. He is still in the design phase. He is here to find out with your help what would be the best fit for the property and the Village. You can access the units from the ground for the 1st floor units. All doorways throughout the building are handicapped accessible. He will design them as rentals all independent of itself so they will all have their own electric and all be independent of the others; own heat, own AC, etc. All the units will be 2 bedroom, 2 bath, with a nice layout, self-sufficient with a washer dryer in each, and will be 3 floors of units. 3 will be 1 bedroom and then 71 units are 2 bedroom. There will be a walkway all the way to the property for folks to go into the Village. There is a manhole and fire hydrant already there as is water and sewer. Engineer would tell us what we need but will all be gravity fed. There will be a maintenance garage for equipment to maintain the property. Management office will be on the 1st floor with a nice sitting area with a fireplace and couches then a nice patio area. The community area on each floor will be easily accessible to the elevators. Each floor has a main area so one floor will have Management facility, the next the kitchen, the next would be the gym or a library, etc. Again he is still in the design phase. We don't have exact square footage of each unit just yet. Gazebo area sits back in the quiet back with nice landscaping.

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Member Kraus asked if he has considered using solar energy.

Mr. Donnelly replied that he thought about it but the way things are going in the economy solar is changing and fossil fuels are pretty much ending so he is going towards electric. The reason we have it with 3 stories is because there are height restrictions and with the layout of the land he doesn't want it to be a giant building like a monster sticking out of the ground so they are proposing a gradually grading upwards.

Member Pearson asked about the zoning; how does this fit the zoning there?

Mr. Donnelly replied that when he brought this to the Village Board originally he had explained that he built one across the street, which is still a beautiful facility but nothing has been done to it since he sold it. Due to economic conditions he got too much out there and he couldn't handle everything he had. What is allowed wasn't enough to be able to be managed and the market was different. The bigger a project gets the cost to build it reduces significantly. So he met with the Village Board and told them that this is what he wanted to do; something community friendly, 55 and older, good for the community, asset to the Village and if this is something the Village Board liked that they would like to accommodate him with Zoning. If they didn't like the idea he was willing to just go away. The way that he understood it was that they would consider the zoning changes in conjunction with his application review. They drafted a local law already.

Attorney Dickover explained that the Village Board is asking this Board to look at the project as though there was zoning in place for it and comment accordingly. It is not how it is normally done. It has been done like that in other communities but not here. Currently the zoning does not allow for multiple family residential buildings so it is not a permitted use. As 55 and older it is not an adult housing project either so it is not a permitted use in the code. The Board could review the application and treat it as though it was permitted under the zoning rules. And entertain an application to amend the zoning.

Mr. Donnelly said that they really liked it said if they liked it then they would move forward. This is the only property in the Village large enough that can entertain this type of project.

Attorney Dickover wanted to make sure the applicant is aware that even if the Board reviews the application and gives input back about the project the Village Board could say no we aren't changing the zoning to accommodate you.

Mr. Donnelly said he has spent a lot already to get to this point between engineering and architecture expenses because they told him they liked it and if we could look through the planning of it they would be favorable.

Attorney Dickover reiterated that the Village Board doesn't have to go along with that. It is a lot of money investing in this review process so you are doing this at your own risk.

Mr. Donnelly offered to meet with them again and confirm that they are still in favor of it.

Member Pearson said that we generally would turn down something like this immediately because it doesn't fit the zoning there and say go to the Zoning Board.

Attorney Dickover explained that the applicant is here at his own risk and may not get what he is looking for and the Zoning Board would have to say that this is a self-created hardship because he knows that it was a risk from the beginning. Village Board has sole discretion to change zoning, it is totally up to them.

Mr. Donnelly said he'd like to move forward if he could and get some input and in the meantime he will get confirmation that all are on the same page. It already has approval for 14-15 lots as it is. He can build the houses or he could build something like this instead.

Building Inspector Stickles clarified that he has approval for just where the road and cul-de-sac can be.

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Engineer Queenan said the draft law has amenity calculations for density base zoning that is established at 4 units per acre and then based on a number of amenities it would be given bonus density. There is a list in the code of amenities that if he provides x he gets x additional units per acre. Can go up to 7.

Chairman Plato paraphrased that it's a basic site plan at this point but until the density gets established you can't really do much. How did you come up to the number of units you have proposed?

Mr. Donnelly replied that's what he knows he needs to support the amount of site work he has to do for the elevators, the building, and all the amenities he wants to put in. In order for him to support this he knows he needs 74 units to do that. He doesn't recall how he came up to 74 being allowable but can recheck that when he makes his official plan. The idea of 55 and older was ok with the Village Board but he can go back to them to confirm. It would be market rate housing for 55 or older and he is not looking for breaks or grants or funding for this.

Attorney Dickover reiterated that just because the Village Board says they like this does not mean that 2-4 years from now they will still like it and approve it. You are doing this at your risk.

Mr. Donnelly stated that he understands. When he went to them he told them if they say yes he will continue and if they said they didn't like it he would go away. Based on the draft local law they already put together this project will fit the criteria.

Attorney Dickover stated that the Board commented back on this when it originally came before the Board but he doesn't recall exactly what the confusion was.

Chairman Plato stated that it doesn't seem like there is any objection from the Board for this type of project but he has some hurdles to get over. Shaved off some units to get down to 62 with all the amenities would get to 43 under the current code. He pointed out that in the code it is 60 and older not 55 for senior housing.

Mr. Donnelly added that there is a current single family home on the lot not included in the 6.2 acres he was looking to offer to purchase her home from her and offer her an apartment in his facility. The properties on the right side belong to him and there is a hill that blocks the view of the facility. There is a trailer park on the right side and the houses to the left go up higher than his development.

Engineer Queenan said he can ask for a special permit use for senior housing so the big thing is density.

Member Pearson commented that he was looking at the homes on Liberty Street, it looks like they will be right on level with the project based on the topo map. Looks like it is at grade level.

Mr. Donnelly said he hasn't done the topographic map of the property he's just been on the property and looked at a home in foreclosure on Liberty Street he was going to purchase and there is a large hill there blocking the view point. He will need to get an actual map as he worked off the previous maps to save some money until he knew the Board had interest in this type of application. Once he gauged the Board and had a level of comfort he intends to come in with a full plan with landscaping and everything. This is just a concept plan.

Member Wilkins said that according to the draft local law that was presented to us on May 24th it looks like he can get up to 10 units per acre.

Engineer Queenan confirmed that the most he can get to is 10 units per acre so that's 62 units.

Mr. Donnelly replied that he is willing to do as much as he can as he wants to attract good clients and make it very nice. Looking for a client base not being charged a fortune but something nice that once he attacks them he can keep them.

Chairman Plato said the he doesn't think anyone objects, it is just the density.

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Attorney Dickover said the Board can review it as it is presented to you which doesn't meet the current zoning. You've already identified issues such as the density issue and there may be more that you don't know yet. The application could be made to the Zoning Board for a Use Variance.

Mr. Donnelly said this is only a concept plan, once we get a full plan together they will confirm and see which direction they want to go to and do a simultaneous review of the local law and this application. He wanted to get a feel for where the Board was before he gets further invested.

Chairman Plato said that we may think it is a good idea and we don't object to the idea.

Village Manager John Revella explained for the benefit of the Board that the Village Board was inclined to do a simultaneous review of the Zoning Amendment local law while you reviewed the project application.

Mr. Donnelly thanked the Board for their time. He will look it over and then really sit down and figure out the exact density that would be permitted with the proposed zoning change. To try to get this to work in the meantime.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

5. MEETING ADJOURNED at 8:20 pm.

RESPECTFULLY SUBMITTED

Tara Bliss, Village Clerk
Planning Board Secretary